

# EXHIBIT A

CDAS

*Scott J. Sholder*

Partner, New York

[ssholder@cdas.com](mailto:ssholder@cdas.com)



Expertise

Publishing

Fine Art, Photography,  
Digital Art, Immersive  
Experiences & Design

Litigation & Alternative  
Dispute Resolution

Copyright Counsel

Trademark & Branding

Blockchain, NFTs &  
Emerging Technology

Admitted

D.C. Court of Appeals

New York

New Jersey

U.S. District Courts for  
the Southern and  
Eastern Districts of New  
York

Scott J. Sholder, Co-Chair of the firm's Litigation group, focuses his practice on litigation, counseling, and dispute resolution in connection with entertainment, media, and intellectual property matters. Scott represents and advises clients across various industries in copyright, trademark, right-of-publicity, unfair competition, domain name, and commercial and business disputes, as well as defamation defense. He has appeared in federal and state courts around the country as well as administrative and arbitral tribunals and has handled cases from pre-suit negotiations through trial and post-trial procedures. His clients range from major media and entertainment companies and A-list talent to closely held and startup businesses and individuals in need of advice on intellectual property or guidance concerning brewing or existing legal conflicts. Scott is a skilled advocate and understands the risks, benefits,

U.S. District Court for  
the District of New  
Jersey

U.S. Courts of Appeals  
for the Second, Third,  
Fourth, Eleventh and  
Federal Circuits

and practical considerations inherent in these cases and knows how to make use of available leverage and industry knowledge to reach a favorable conclusion. He utilizes a principled yet practical approach to litigation with an eye toward efficient resolution in line with the client's business needs and financial realities.

**Education**

Seton Hall University  
School of Law, JD,  
Valedictorian

Seton Hall Law Review,  
Executive Editor

American University, BA

A frequent writer and speaker on issues related to copyright and trademark in the entertainment and digital media space, with a recent focus on generative AI, Scott is a regular contributor to the CDAS legal blog as well as other major legal publications and has published several law review articles. He has also authored several amicus briefs in the Courts of Appeal and U.S. Supreme Court addressing important and cutting-edge issues in copyright law.

**Awards**

Super Lawyers, New York Metro 2023

Best Lawyers 2024 Litigation – Intellectual Property

Best Lawyers 2023 Copyright & Litigation Intellectual Property

Euromoney Rising Star 2022 in Technology, Media, and Telecommunications

Benchmark Litigation 40 & Under List 2022

“New York Metro Rising Star,” New York Metropolitan Area *Super Lawyers*, 2014-2022

Named in “The Best Lawyers in America” for Copyright 2021

Winner of “Americas Rising Star” Award for “Best in Media & Entertainment,” *Euromoney Legal Media Group* 2020

Named to “40 and Under Hot List,” *Benchmark Litigation* 2019

“Rising Star, Media & Entertainment,” *Law360*, 2018

Short-listed for “Best in Media & Entertainment,” *Euromoney Legal Media Group*’s inaugural “Americas Rising Stars Awards,” 2018

Publications

“[Exploring The Question Of Authorship With AI-Generated Art](#),” *Law360 Expert Analysis* Sept. 20, 2022 (co-authored with Ben Halperin)

“[This Is Not Another Fair Use Article: The Implied License and De Minimis Use Copyright Defenses](#),” *Landslide*, November/December 2020 (co-authored with [Sara Gates](#))

“Anything for Selenas? A Right of Publicity Case Study,” *Landslide*, ABA, November/December 2020

“Fair Use and First Amendment Defenses (Trademark Litigation)” Lexis Practice Advisor *Practical Guidance*, Fall 2020

See all

Briefs

Drafted amicus briefs on behalf of industry organizations in:

*Am. Soc'y for Testing & Materials v. Public.Resource.Org, Inc.* (copyright protection of privately drafted standards and practices incorporated by reference into law; D.C. Cir. Court of Appeals)

*Canada Hockey, L.L.C. v. Texas A&M University Athletic Department* (abrogation of sovereign immunity for state copyright infringers; 5th Cir. Court of Appeals)

*State of Georgia v. Public.Resource.Org, Inc.* (copyrightability of annotated legal codes; filed with U.S. Supreme Court during merits stage)

*Brammer v. Violent Hues* (fair use in connection with photograph copied and displayed to illustrate commercial website; 4th Circuit Court of Appeals)

*WNET v. Aereo* (legality of broadcast television retransmission over the Internet; U.S. Supreme Court during certiorari and merits stage)

*Kirtsaeng v. John Wiley & Sons, Inc.* –(interpretation of Copyright Act attorney's fee awards; filed with U.S. Supreme Court during merits stage on second appeal)

*Oracle v. Google* (fair use regarding use of computer code integrated into mobile phones; Federal Circuit Court of Appeals)

*Fox News Network v. TVEyes* (fair use regarding digitization of content for purposes of news aggregation; 2d Circuit Court of Appeals)

*Fox Television Stations, Inc. v. FilmOn X, LLC* (legality of broadcast television transmissions over the Internet;

9th Cir. Court of Appeals)

*Cambridge University Press v. Albert* (fair use in the context of mass digitization of books; 11th Cir. Court of Appeals).

*Maloney v. T3Media, Inc.* (intersection of First Amendment protection of artistic works and right of publicity; 9th Circuit Court of Appeals)

*Authors Guild v. Google* (concerning the legality of mass digitization of books; 2d Circuit Court of Appeals)

Speaking

“Music Copyright 101” Media Law Resource Center (MLRC) Media Law Conference, October 6, 2023

“Protecting Artificial Intelligence Under Copyright Law: Protectability, Authorship, Registration” Strafford, September 28, 2023

“Artificial Intelligence: Revolution and Opportunity in Trade Publishing” Publishers Weekly, September 27, 2023

“Art Law Lunch Talk: Protecting your IP w/ the Blockchain” Center for Art Law, September 26, 2023

“Music Theory For Lawyers – And Legal Theory For Musicians” Lawline, September 14, 2023

“Generative AI & Copyright: Authorship, Copyrightability, and Infringement” Quimbee, August 22, 2023

“Substantial Similarity of Musical Works: Navigating Different Tests, Recent Court Treatment” Strafford Webinar, May 23, 2023

“AI Image Generators and Copyright: Eligibility in the U.S., UK, EU, and More; Fair Use, Derivative Works, Liability” Strafford, April 25, 2023

“Art and Artificial Intelligence: Copyright implications in the new wild west of generative AI” MyLaw CLE, April 5, 2023

“The Future of Copyright and Artificial Intelligence” Fordham Law School, March 22, 2023

“Copyright + Technology Conference 2022” – CSUSA, September 13, 2022

“Music Copyright 101” Media Law Resource Center (MLRC) Media Law Conference

“Best Practices in Sourcing, Vetting, Licensing, and Using Digital Content Online”, World Intellectual Property Forum (WIPF), April 29, 2021

“Art Law 201: Painting the Picture of Sales of Art during a Global Pandemic” ABA webinar, 2021

“Implied License and De Minimis Use Defenses in IP Litigation: Raising and Contesting the Defenses,” Strafford Webinar (forthcoming March 25, 2021)

Faculty facilitator, breakout session regarding copyright, trademark and right of publicity, Media Law Resource Center (MLRC) Virtual Annual Conference, October 6, 2020

“Can You Do That? Copyright Litigation for Unauthorized Derivative Works,” ABA Webinar, Oct. 22, 2019

See all

Associations & Activities

Media Law Resource Center (MLRC), Member and Former Co-Chair of Media, Copyright & Trademark Committee

Copyright Society of the USA (CSUSA), Planning Committee

American Bar Association (ABA) Section of Intellectual Property, inaugural Chair and current Co-Chair, Right of

Publicity Committee

New York State Bar Association

New York City Bar Association, Member, Entertainment Law Committee

New York City Bar Association, Chair, Artificial Intelligence Subcommittee

Center for Art Law, Member, Board of Advisors

Representative Matters

Copyright and Trademark Litigation

Representing prestigious fine art licensing organization in copyright and trademark litigations concerning unauthorized use of works of world-renowned artists and branding issues

Representing authors in copyright class action litigation concerning the unauthorized use of literary works for generative AI “training”.

Advising clients regarding the vetting, clearance, registration, and maintenance of trademarks, as well as prosecution, enforcement, and litigation.

Representing world-renowned interactive art collective in copyright litigation against copycat exhibition.

Defended production company against copyright claim brought by producer who wrongly claimed to own documentary footage.

Representing prestigious photo agency in copyright litigation against music artist who used an iconic photograph as an album cover and on merchandise without consent.

See all

Insights

# AI Trends and Developments

By Nancy E. Wolff, Scott J. Sholder, Elizabeth Safran      April 4, 2023

# The Perils of AI Art: Craiyon's Commercialization Gamble

By Scott J. Sholder      August 2, 2022

## Are "#MetaBirkins GONNA MAKE IT"? Hermès, NFTs, and the Rogers Test Collide

By Scott J. Sholder      June 15, 2022

# CDAS Represents teamLab

By Benjamin Halperin, Scott J. Sholder, Nancy E. Wolff, CeCe Cole  
April 29, 2022

## Legal Drama over Docudramas: New York Appeals Court Rules in Favor of Film Producer in *Porco v.* Lifetime Entertainment Services, LLC

By Scott J. Sholder      July 1, 2021

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NEW YORK  
41 Madison Avenue, 38th Floor  
New York, NY 10010  
212.974.7474

BEVERLY HILLS  
9454 Wilshire Blvd, Suite 901  
Beverly Hills, CA 90212  
310.340.6334



CDAS

*Nancy E. Wolff*

Partner, New York  
nwolff@cdas.com



Expertise

Publishing

Fine Art, Photography,  
Digital Art, Immersive  
Experiences & Design

Theater, Dance & Live  
Performance

Litigation & Alternative  
Dispute Resolution

Copyright Counsel

Pre-Broadcast Review,  
Fair Use & Clearance

Trademark & Branding

Advertising, Marketing  
& Promotions

Blockchain, NFTs &  
Emerging Technology

Admitted

New York

Nancy Wolff is a partner at the intellectual property, media and entertainment law firm of Cowan, DeBaets, Abrahams & Sheppard, LLP located in New York, NY, and Beverly Hills, CA. She represents a wide range of creative individuals and companies in all areas of digital media, art law, licensing, and publishing and serves as counsel to the Digital Media Licensing Association. Nancy is co-chair of the firm's Litigation Department and co-chair of the firm's Art Law Group based on her deep knowledge of copyright, defamation, and other third-party rights.

She represents photographers, artists, collectors, museums, galleries, and publishers in all transactional issues. She provides guidance on best practices in using content and offers guidance in areas of content, and a pre-publication review of books, documentaries, films, podcasts, and television series. Nancy

New Jersey	counsels on creative deal structuring, the acquisition and sale of properties and art collections, and reviews licensing and services agreements; exhibition agreements, and agreements involving interactive and emerging technologies.
California	
Pennsylvania	
U.S. District Courts for the Southern, Eastern and Northern Districts of New York	
U.S. District Courts for the Central and Northern Districts of California	Nancy is a frequent speaker throughout the United States and Europe on copyright, media, and licensing and has received significant recognition for her expertise in copyright law. She is a Past President of the Copyright Society of the USA (CSUSA) and a member of the ABA IP Task Force on Copyright Reform. She has been published by Allworth Press, ABA Landslide Journal, and a book of essays she co-edited on 21 <sup>st</sup> Century Copyright Law published with Focal Press.
U.S. District Court for the District of New Jersey	
U.S. Courts of Appeals for the Second and Ninth Circuits	
Supreme Court of the United States	

#### Education

*Mediation Training*, New York City Bar, City Bar

#### Awards

*The Best Lawyers in America 2021*, “Copyright Law, Trademark Law, Litigation – Intellectual Property”

Center Basic Mediation  
Training: Conflict  
Resolution Theory &  
Techniques. 30.5 hours  
of CLE, 6 Role Plays  
Rutgers University  
School of Law, JD

*Rutgers Law Review*,  
Business Manager and  
Editor

University of  
Maryland, *magna cum  
laude*, BS

*New York Law Journal*, “2020 New York Trailblazer”

“Lawyer of the Year – Trademark,” *The Best Lawyers in America* 2020

*Chambers & Partners USA*, “Intellectual Property:  
Trademark, Copyright & Trade Secrets --New York,”  
2017-2020

*Crain's New York*, “Notable Women in Law” honoree,  
2019

*Managing IP*, “Top 250 Women in IP,” 2018/19

“Best Lawyer,” Copyright Law and Trademark Law, *The Best Lawyers in America* 2017-2020

New York Metro Super Lawyer,” *Super Lawyers*, 2013-2018

“Top 50: Women New York” – Metro” *Super Lawyers*,  
2015-2018

2017 “Texas Star Award” recipient, Texas Bar CLE

Publications

*The Routledge Companion to Copyright and Creativity in  
the 21st Century*, Routledge Taylor and Francis Group

(co-edited by Nancy E. Wolff and Michelle Bogre, with essays by Elizabeth Altman, Scott J. Sholder and Kenneth N. Swezey)

Show the Tattoo: Video Game Company Free to Depict Inked Basketball Stars, *Digital Media Licensing Association*, June 18, 2020 (co-authored with Scott J. Sholder)

“Best Practices in Image Licensing,” *The Licensing Journal*, Vol. 40, No. 3, March 2020

Copyright 2020 Law & Practice USA, *Chambers & Partners* (co-authored with, Scott J. Sholder, Sara Gates and Elizabeth Altman)

See all

Associations & Activities

Copyright Society of the USA (CSUSA), Past President  
American Bar Association (ABA), Intellectual Property Section; co-Chair, Visual Arts and Dramatic Works Committee, 2020-2021; Task Force on Copyright Reform

Media Law Resource Center (MLRC)

Section 108 Study Group, convened by the Library of Congress, and charged with updating the Copyright Act, previous member

Speaking

“Hot Topics in Tech,” “Hot Topics in Legal,” and “Section 512 Reform,” DMLA 2020 Conference, October 26-30, 2020

“Fair Use is not a Verb, and YouTube is not Public Domain,” DOC NYC, October 13, 2020

Panelist on behalf of DMLA, House Judiciary Committee Listening Session on Section 512c of the Copyright Act, August 18, 2020

“Comparative Copyright Law: Key Differences Between Canada, US and EU,” Intellectual Property Institute of Canada (IPIC) Webinar, May 14, 2020

See all

Representative Matters

Disputes:

Successfully defended a fine art photographer, Arne Svenson, in a right of publicity action, with a unanimous decision by the Appellate Division 1st Department upholding that photographs are expressive works entitled to full First Amendment protection and exempt from New York's right of privacy law that requires written permission from the subjects

Represented clients in mediation hearings involving copyright infringement claims

Resolved several copyright cases for various image licensing companies involving images of graffiti and murals and publicity handouts

Representing estate of significant 20<sup>th</sup> Century artist in a publishing dispute with former employee

Resolved numerous copyright infringement cases on behalf of publishers brought by copyright firms that file large volume of copyright cases

Successfully resolved a copyright case against an image library for claims of copyright infringement and removal of copyright management information involving images donated to the Library of Congress

Successfully represents leading TED Talk speaker and writer in terminating a speaker's bureau agency

agreement

Successfully negotiated settlements for alleged copyright infringement on behalf of several image libraries, bloggers and educational publishers

Successfully resolved copyright cases on behalf of manufacturer of lace designs in various copyright infringement cases against retailers and distributors

Successfully defended claims on behalf of a major photo library by models asserting defects in releases

Successfully resolved copyright action involving an app developer and former licensor

Represented the Digital Media Licensing Association (DMLA), filing amicus briefs in various federal court matters involving the validity of copyright registrations in photographs, the ability to offer editorial images in an online environment without violating California publicity laws, the liability of ISPs and payment providers under the DMCA in hosting sites of pirated content, and the boundaries of fair use and visual images as it applies to appropriation art

Consulting:

Review publishing agreements for authors

Represents a popular children's series book author to navigate publishing agreements with increased e-publication rights.

Represents National Geographic Photographers Group in negotiations with a major publisher, with respect to their assignment contracts

Counsel to the Digital Media Licensing Association (DMLA) and created industry contract forms, copyright education programs and advocates on behalf of the members on copyright and right of publicity issues.

Represents image libraries in distribution agreements for editorial content

Represents DMLA at round tables convened by the U.S. Copyright Office on Section 512(c) of the Copyright Act

Represents coaches and other influencers in connection with publishing contracts, trademarks and licensing agreements

Offer expert consulting advise in copyright and damages to other law firms

Counsel to PLUS Coalition, a non-profit organization developing standards in image licensing

Negotiated the license for a start-up to use the works of a Hollywood fashion legend

Prepared and negotiated all the contracts for an international company that offers marketing and design templates, including the acquisition of the domain name for its brand, trademark registrations, entity formation, licensing agreements, white-label distribution, printing agreements, and website terms and conditions

Represents award-winning digital agencies that produce multi-platform online content for famous brands in contract negotiations, trademark filings and general counseling

Worked with a client in creating an iPhone app for model, property and talent releases for the stock photography and film industry

Assisted several stock libraries in acquiring complementary image libraries

Provides counseling to heirs of artists and advice to artists concerning gifting, loaning, or selling collections to institutions

Prepare social networking policies and website terms and conditions

Represented an internationally renowned artist in her contract with Louvre Gallery and in the production of a film about the making of her work

Testified on copyright remedies before the Congressional Subcommittee on Courts, Intellectual Property, and the Internet for the United States House of Representatives, 113th Congress, 2nd Session on July 24, 2014

Pre-Publishing Review

Vets manuscripts for publishers on subjects as diverse as the financial crisis; illegally paying college athletes; the making of the top selling rock album; a collection of works on graffiti artists; and the history of a legendary English rock band

Pre-pub review and fair use opinion letter for documentaries, TV series, podcasts and films for Errors and Omissions insurance purpose

Pro Bono

Founding Legal Advisor, Copyright Alliance

Board Member, Photography Collections Preservation  
Projects

Board Member, The Foundation for Gender Equality

Insights

# Diving Deeper into Artificial Intelligence: Understanding the Risks in Incorporating AI Technology into the Workplace

By Nancy E. Wolff and Elizabeth Safran

October 13, 2023

# AI Trends and Developments

By Nancy E. Wolff, Scott J. Sholder, Elizabeth Safran      April 4, 2023

## About Those NFTs... Can We Talk?

By Nancy E. Wolff and Sarah Conley Odenkirk      April 4, 2023

## CDAS Represents teamLab

By Benjamin Halperin, Scott J. Sholder, Nancy E. Wolff, CeCe Cole  
April 29, 2022

## Ninth Circuit corrects the record on de

# minimis use in photograph dispute

By Nancy E. Wolff      October 7, 2021

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NEW YORK  
41 Madison Avenue, 38th Floor  
New York, NY 10010  
212.974.7474

BEVERLY HILLS  
9454 Wilshire Blvd, Suite 901  
Beverly Hills, CA 90212  
310.340.6334

CDAS

*CeCe Cole*

Associate, New York  
ccole@cdas.com



Admitted

U.S. District Courts for  
the Southern and  
Eastern Districts of New  
York

Education

Benjamin N. Cardozo  
School of Law, JD  
Tulane University, BSM

CeCe Cole is an associate in the Litigation and Trademark practice groups. CeCe has represented clients in copyright, trademark, and commercial litigation matters in both federal and state courts and regularly counsels clients on copyright and trademark matters, including copyright enforcement and trademark review and clearance.

CeCe graduated from Benjamin N. Cardozo School of Law with a concentration in intellectual property. While in law school, she served as an Executive Editor of the Cardozo Alternative Dispute Resolution Competition Honor Society and as the President of the Cardozo Entertainment Law Society. CeCe also interned in the legal departments of several media companies and boutique entertainment firms.

Speaking

“RIP Copyright Law, xoxo Gen Z,” Copyright Society of the USA, February 8, 2022

Associations & Activities

Copyright Society of the USA (CSUSA)

Media Law Resource Center (MLRC)

Awards

Best Lawyers 4th Edition: Ones to Watch in America®

Intellectual Property Law; New York Law Journal, Rising Star 2023

Super Lawyers, New York Metro Rising Star 2023

Insights

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April 29, 2022

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New York, NY 10010  
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9454 Wilshire Blvd, Suite 901  
Beverly Hills, CA 90212  
310.340.6334